

BoxInterferences@uspto.gov
Tel: 571-272-4683

Paper 1
Filed: 3 December 2012

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHILIP T. DAVIS, JANET M. McCUNE,
and HUBERT V. FORCIER
Junior Party
(Patent No. 7,113,913)

v.

MATTHEW B. SCHOEN and JEAN-PHILIPPE KHODARA
Senior Party
(Application No. 11/861,084)

Patent Interference No. 105,913 (JC)
(Technology Center 3600)

DECLARATION – Bd. R. 203(b)¹

¹ “Bd. R. x” may be used as shorthand for “37 C.F.R. § 41.x”. 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of Interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application, patent, count(s) and claims designated
4 as corresponding or as not corresponding to the count(s) appear in Parts E and F of
5 this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Josiah Cocks has been designated to manage
8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **1:30 p.m.**
14 **on 05 February 2013** (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of motions (Bd. R. 120; Bd. R. 204; SO ¶¶
17 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A
21 typical motion period lasts approximately eight (8) months. Counsel should be
22 prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named Inventors: Philip T. Davis, New Fairfield, CT
Janet M. McCune, Plymouth, MN
Hubert V. Forcier, Minneapolis, MN

Involved Patent: Patent 7,113,913, issued 26 September 2006, based on application 09/328,856, filed 09 June 1999.

Title: Method and System for Providing Insurance Protection Against Loss of Retirement Accumulations in a Tax Favored Defined Contribution Plan in the Event of a Participant's Disability

Assignee: Corporate Compensation Plans, Inc. of Connecticut

Senior Party

Named Inventors: Matthew B. Schoen, Ojai, CA
Jean-Philippe Khodara, Aix En Provence, France

Involved Application: Application 11/861,084, filed 25 September 2007.

Title: Computer Apparatus and Method for Illustrating, Issuing, and Managing Disability Coverage for Retirement Plans with Individual Accounts

Assignee: Matthew B. Schoen

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 **Part F. Count and claims of the parties**

2 Count 1

3 Claim 1 of Davis' Patent

4 or

5 Claim 1 of Schoen's Application

6

7 The claims of the parties are:

8 Davis: 1-34

9 Schoen: 1, 13-17, and 25

10 The claims of the parties which correspond to Count 1 are:

11 Davis: 1-34

12 Schoen: 1, 13-17, and 25

13 The claims of the parties which do not correspond to Count 1 are:

14 Davis: none

15 Schoen: none

16 The parties are accorded the following benefit for Count 1:

17 Davis: application 60/088,969, filed 10 June 1998.

18

19 Schoen: application 09/861,752, filed 21 May 2011.

20

21 application 08/936,037, filed 23 September 1997,
22 now patent 6,235,176.

23

24

25

26

27

28

29

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,
see SO ¶ 106.1.1:

Filed on behalf of: *Party* @ Paper Leave Blank
By: *Counsel Name(s)* @
Address @
(@@@) @@@- @@@@ (telephone)
(@@@) @@@- @@@@ (facsimile)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**PHILIP T. DAVIS, JANET M. McCUNE,
and HUBERT V. FORCIER**
Junior Party
(Patent No. 7,113,913)

v.

MATTHEW B. SCHOEN and JEAN-PHILIPPE KHODARA
Senior Party
(Application No. 11/861,084)

**Patent Interference No. 105,913 (JC)
(Technology Center 3600)**

1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

6
7
8 /Josiah C. Cocks/
9 Administrative Patent Judges
10

11 Enc:

12 Copy of STANDING ORDER (MARCH 2011)
13 Copy of claims of Application 11/861,084
14 Copy of Patent 7,113,913
15

16 cc (via overnight mail):

17
18 Representative for Davis:

19 PILLSBURY WINTHROP SHAW PITTMAN LLP (LA)
20 1650 Tyson Blvd.
21 14th Floor
22 McLean VA 22102
23
24

25 Representative for Schoen:

26 PETER K. TRZYNA, ESQ.
27 195 North Harbor Drive
28 Apt. 5403
29 CHICAGO IL 60601